May 17, 2019

RuthAnne Visnauskas
Commissioner
New York State Homes & Community Renewal

641 Lexington Ave
New York, New York 10022

Commissioner Visnauskas,

We write to urge caution with respect to the future use of facial recognition software and other potentially intrusive technologies in regulated housing units. At Atlantic Towers in Brownsville, tenants have called on New York State Homes & Community Renewal (HCR) to deny a landlord's application to have facial recognition technology installed in their apartment complex. It is imperative that HCR conduct adequate research on the impact of new technologies such as facial recognition systems prior to granting any applications for its use.

In a recent report on implementing facial recognition technologies, researchers at NYU highlighted the importance of public transparency. [1] Due to the potential harm that American society faces from the unregulated collection of sensitive biometric data, these technologies need to be rolled out to the public with extreme caution and diligent oversight. In the present matter, that responsibility falls to HCR.

As documented by a MIT research study, facial recognition technologies routinely discriminate against women and people of color.[2] For instance, darker skinned women are 32 times more likely to be misclassified by facial recognition software due to the lack of phenotypically diverse datasets. Given these facts, minority tenants and women could find themselves on the receiving end of unintended bias. Moreover, particularly given the history of overpolicing and surveillance in communities like Brownsville, the use of such technology raises significant privacy concerns.

HCR's mandate of tenant protection includes preventing discriminatory practices and infringements upon tenants' privacy. Without adequate safeguards, replacing traditional fobs with facial recognition at Atlantic Towers is a slippery slope that could result in widespread adoption of these untested, under-regulated tools. Even if the owner claims that the collected biometric information would be only utilized for in-house purposes, tenants should not be forced to hand over such sensitive data prior to intensive study and analysis. The potential for misuse of this information by landlords is high, particularly those looking to intimidate or drive out longtime tenants of rent-regulated housing. Installing a facial recognition system on residential premises and then requiring tenants to consent to the use of such system to remain in the building is tantamount to evicting those who object to having their sensitive personal data stored and used by a landlord.

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[1] Whittaker, M., Crawford, K., Dobbe, R., Fried, G., Kaziunas, E., Mathur, V., . . . Schwartz, O. (2018). AI Now Report 2018 . New York: The AI Now Institute at New York University.

[2] Hardesty, L., & MIT News Office. (2018, February 11). Study finds gender and skin-type bias in commercial artificial-intelligence systems. Retrieved from http://news.mit.edu/2018/study-finds-gender-skin-type-bias-artificial-intelligence-systems-0212

We appreciate the tireless work of HCR, including its efforts to defend the rights of tenants facing harassment. However, it is similarly critical that HCR exercise vigilance with respect to emerging technologies and their impacts on those that HCR serves. We ask that HCR carefully consider the implications of new technologies such as facial recognition prior to granting any applications for their use, including at Atlantic Towers.

Thank you in advance for keeping our offices apprised of new developments regarding this matter. Should you have questions or wish to discuss further, please contact Christopher Cox in the office of Congresswoman Yvette D. Clarke at 202-225-6231 or via email at Christopher.Cox@mail.house.gov.

We appreciate your consideration of our request and look forward to your prompt response.

Sincerely,

Yvette D. Clarke
Member of Congress

Latrice M. Walker
55th NY Assembly District

cc: Governor Andrew M. Cuomo

Mayor Bill deBlasio